
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

ROBERT ALLEN CARTER,

Plaintiff,

vs.

**FEDERAL NATIONAL MORTGAGE, et
al.,**

Defendants.

**MEMORANDUM DECISION
AND ORDER**

Case No. 1:16CV57DAK

Judge Dale A. Kimball

This matter is before the court on Defendants Paul M. Halliday, Jr. And Halliday, Watkins & Mann, P.C.'s Motion to Dismiss. The motion is fully briefed. The court concludes that a hearing would not significantly aid in its determination of the motion. Accordingly, the court issues the following Memorandum Decision and Order based on the briefs submitted by the parties.

The district court may grant an extension of time to serve the complaint after the time prescribed for service. *Henderson v. United States*, 517 U.S. 654, 661 (1996). Plaintiff argues that he has not served the Complaint because of attempts to resolve the dispute. Plaintiff stated that he intends to now proceed with the case and requested 14 days to complete service. Defendants, however, filed a reply stating that service had not been completed within that time.

The court agrees that attempting to resolve the dispute constitutes good cause. However, now that those attempts appear to have been unsuccessful, Plaintiff needs to serve the Complaint. The court sees no benefit in dismissing the case without prejudice and requiring Plaintiff to file a

new lawsuit. Such a result would waste judicial resources and serve little purpose. The court, therefore, will grant Plaintiff a twenty-day extension from the date of this Order in which to effect service of process on Defendants. The court will not extend the time any further. If Plaintiff has not filed proof of service within thirty days of the date of this Order, the court will *sua sponte* dismiss the case without prejudice. Accordingly, Defendants' Motion to Dismiss is denied.

DATED this 9th day of November, 2016.

BY THE COURT:



DALE A. KIMBALL
United States District Judge